



FIRE/RESCUE OPERATIONS AND INVESTIGATIONS

FC No.: 613

Date: 06-10-05

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Police Responsibilities at Fire/Rescue Scenes

A. On-Scene Procedures

In addition to the procedures outlined in this directive, officers should refer to FC 910, "Bomb Threats and Destructive Devices."

B. MCFRS in Command

During fire/rescue operations, the senior ranking Montgomery County Fire and Rescue Service (MCFRS) officer will be in command. When life- and/or property-saving operations are completed, investigations will continue as delineated elsewhere within this directive. (CALEA 2.1.2, 12.1.2.c, 46.1.2)

C. Burning Buildings

Prior to the arrival of fire apparatus, officers will not enter burning buildings except when immediately necessary to save lives or prevent serious injury to persons. After the arrival of fire apparatus, police officers will not enter burning buildings without first consulting with the commanding MCFRS official.

D. Police SRO

The senior ranking police officer at the scene of a fire/rescue operation will:

1. Coordinate operational decisions with the MCFRS incident commander.
2. Maintain traffic and pedestrian control until the MCFRS units clear the scene.

3. Determine the possibility of criminal activity and notify the appropriate police investigators if necessary.
NOTE: Police investigators are not required to respond to fire or explosion scenes unless death or serious injury has resulted or a crime against a person has occurred.
4. Ensure that all traffic problems and safety hazards have been addressed before the police secure from the scene.
5. Ensure that owners/tenants are notified to secure any premises.
6. Ensure that required event reports are submitted.

E. Incidents Involving Death

1. All cases involving deaths from fires or explosions are within the primary investigative responsibility of the police pending guidance from the Deputy Medical Examiner. (CALEA 41.2.5)
2. Removal of bodies:
 - a. Generally, when the death is attributable to violence, bodies will not be removed without authorization of the Deputy Medical Examiner.
 - b. Dead bodies may be ordered removed by the police in the following instances:
 - When common decency dictates removal.
 - When the death is the result of an accident.
 - When the body is a public spectacle.
 - c. MCFRS shall not be requested to remove dead bodies except in unusual circumstances or when the body is a public spectacle.

II. Follow-Up Investigation

A. Explosive Device, Explosion, or Arson (CALEA 42.1.4)

1. Whenever an explosive device is located, an explosion occurs, or an arson takes place, an investigator from the MCFRS Fire/Explosive Investigations Unit will be requested via ECC and will respond to the scene.

2. An evidence technician from the Forensic Services Section (FSS) will respond to the scene, report to the investigator in charge, and assist in the processing of major arson (involving serious injury) or explosives scenes being investigated by the MCFRS Fire/Explosives Investigations Unit when specialized equipment or knowledge is required. The senior ranking investigator from the MCFRS Fire/Explosives Investigations Unit will contact the FSS supervisor, or designee. A determination will be made on a scene assessment.
3. If a serious injury has resulted from an explosion or arson, the **fire/explosive investigator** will request that a district investigator respond to the scene. If an explosion or fire has resulted in death or injuries where death is imminent, the **fire/explosive investigator** will request that a Major Crimes investigator respond to the scene.
4. Where no injuries or deaths occur, the **fire/explosive investigator** will notify the district investigators when:
 - a. A significant explosion, major fire, or major arson occurs, and
 - b. The **fire/explosive investigator's** preliminary investigation reveals that a property crime (e.g., safe job, burglary, theft, etc.) was committed in conjunction with an arson or explosion. A district investigator may respond to the scene depending on the circumstances of the case.

B. Device Investigation (CALEA 46.1.5)

1. The MCFRS Fire/Explosive Investigations Unit will have primary follow-up responsibility for investigating the planting of all suspected explosive devices except when it is readily apparent that the device was planted to commit a crime against persons. When this occurs, the **fire/explosive investigator** will notify the district investigators and the district investigators will have primary follow-up responsibility.
2. When a district investigator has the primary follow-up responsibility, the expertise of the county bomb technicians will be needed to render the device safe and to analyze the explosive.
3. When the county fire/explosive investigator has primary follow-up responsibility, the

district investigators will cooperate in assisting the fire/explosive investigator as requested.

C. Fire, Arson, and Post-Explosion Investigation

1. If a fire, arson, or explosion does not result in serious injury or death, and a persons crime is not involved, the Fire/Explosive Investigations Unit has primary responsibility for the investigation of the event regardless of the extent of the damage.
2. The police will have primary follow-up responsibility in the following situations:
 - a. Crimes Against Persons - Where no (or minor) injuries result from an arson or explosion, and once the Fire/ Explosives Investigations Unit has determined that a crime against a person has occurred, MCFRS will immediately notify district investigators who will respond to the scene and have primary follow-up responsibility.
 - b. Serious Injury - If serious injury results from an arson or explosion, but it is determined that death is not imminent, district investigators will respond and will have primary follow-up responsibility.
 - c. Death or Imminent Death - If injuries occur and death is imminent, or where death results from a fire or explosion, Major Crimes investigators will respond to the scene and will have primary follow-up responsibility. Major Crimes investigators are responsible for the notification of next of kin.
 - d. Accidental fires with injuries will be handled by the MCFRS Fire/ Explosive Investigations Unit which will notify the duty commander of the case status. In these cases, district investigators need not respond.
3. If at any point in the investigation of incidents in item 2 (immediately above) it is determined that any resulting death was accidental, then the accidental death will be jointly investigated by the Major Crimes Division and the Fire/Explosives investigator with the **fire/explosive investigator** having primary responsibility for the investigation.
4. If at any point in the investigation of incidents in section II.C.2 (immediately above) it is determined that:

- a. A crime against a person did not occur, or
 - b. The resulting injuries were accidental, Then the primary responsibility for the investigation will belong to the ***fire/explosive investigator***.
5. A memorandum of understanding between the police department and the fire department created the Burned Vehicle Task Force. This task force addresses the issues concerning stolen vehicles which are burned to avoid evidence collection. ***Fire/explosive investigators*** will be the primary investigators of these incidents but will coordinate any need for evidence collection or vehicle investigation with members of the Centralized Auto Theft ***Section (CATS)***. Notification procedures for ***CATS*** and fire investigations have been established for both units. (CALEA 2.1.2, 42.2.7)

D. Evidence (CALEA 42.2.1.c, 42.2.2.c, 42.2.3.d, 83.2.4, 83.3.1)

1. Collection and Submission
 - a. When a police investigator has primary follow-up responsibility, the ***fire/explosive investigator*** will assist the police investigator in collecting and submitting all arson- and explosion-related evidence to the appropriate lab(s). The police investigator, with the assistance of FSS personnel, will collect and submit all other evidence.
 - b. If the ***fire/explosive investigator*** is the sole investigator, the ***fire/explosive investigator*** will collect and submit all evidence. If a police investigator is on a scene where the ***fire/explosive investigator*** has sole follow-up responsibility, the police investigator will assist the ***fire/explosive investigator*** as requested.
2. Chain of Custody
 - a. Whenever a police investigator is the primary investigator, the police investigator will have the ultimate responsibility for the chain of custody of all evidence.
 - b. When the ***fire/explosive investigator*** is the primary investigator, the ***fire/explosive investigator*** will have the ultimate responsibility for the chain of custody of all evidence.

E. Exchange of Information

Police and ***fire/explosive investigators*** will maintain verbal liaison ensuring the exchange of information on the following:

1. Suspects
2. Vehicles
3. Cause of the fire
4. Laboratory
5. Reports
6. Case closures
7. Other relevant information

III. Reports and Coordination

Whenever a fire or explosion occurs, the responsibility for filing reports will be as follows:

A. ***Fire/explosive investigator*** on the Scene or En Route

1. The police officers on the scene will be notified by ECC that a ***fire/explosive investigator*** is en route.
2. The ***fire/explosive investigator*** will initiate the event report and clear the event on the police frequency.
3. The police officers will not clear the event but will simply go "10-8" when they are no longer needed for traffic direction, crowd control, assistance to the ***fire/explosive investigator***, or other tasks. The police officer will not write any reports.

B. MCFRS Personnel on the Scene

1. Whenever any firefighter is on the scene of a fire or explosion not involving criminal activity (not arson or bombing), the police officer will clear the event "dash one." The administrative report filed by the firefighter will satisfy the fire department's requirement for documentation.
2. In those cases when the ***fire/explosive investigator*** is not able to respond to an arson or bombing, the police officer on the scene will complete the event report.

C. No Firefighters on the Scene

1. In those cases when a small fire (non-arson) is extinguished by a police officer, or discovered after it has burned itself out, the responding police officer will write an event report only if the officer feels the incident should be documented (copy forwarded to the ***fire/explosive investigator***).

2. If small fires (non-arson) occur at religious institutions, the police officer on the scene must notify the MCFRS Fire/Explosive Investigations Unit via ECC and remain on the scene until relieved by the **fire/explosive investigator**. The **fire/explosive investigator** will complete the necessary reports for this type of fire.

D. Multiple Crimes

When investigation indicates that a fire or explosion was perpetrated to conceal another crime:

1. The police officer investigating the event will clear the concealed crime and write the appropriate report in which the arson or explosion and the **fire/explosive investigator**'s report will be referenced.
2. The **fire/explosive investigator** will write the arson or explosion report using the same CR number and containing complete information regarding the arson.

IV. **Special Procedures**

A. Surveillance

1. **Fire/explosive investigators** and police investigators may provide each other with assistance on fire-related surveillances. Requests for assistance will be made to the commanders/directors of the other agency's investigative section.
2. Whenever police or **fire/explosive investigators** are conducting a fire-related surveillance, the investigator(s) will notify the commanders/directors of the counterpart agency.

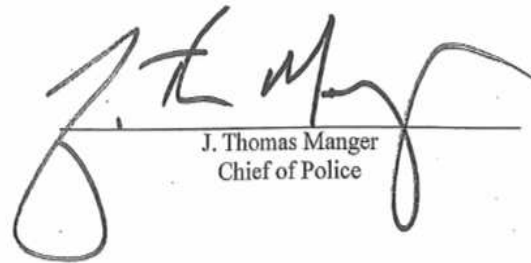
B. Release of Information

1. Police officers involved in fire investigations will not indicate the value of a fire loss or the extent of damage.
2. Requests for information should be handled by the primary investigative department assigned to the case.
3. Insurance investigators will be referred to the **fire/explosive investigator** for reports and details on the case.

V. **Proponent Unit:** ISB Administration

VI. **Cancellation**

This directive cancels Function Code 613, effective date 05-22-00.



J. Thomas Manger
Chief of Police